

## SENATE BILL NO. 89

INTRODUCED BY K. REGIER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO UNION MEMBERSHIP DUES; PROVIDING FOR FREE ASSOCIATION BY PUBLIC EMPLOYEES WITH A PUBLIC LABOR ORGANIZATION; REVISING LAWS RELATING TO AUTOMATIC COLLECTION OF UNION DUES; AND AMENDING SECTIONS ~~39-31-101, 39-31-203, AND 39-31-401, AND 39-31-402, MCA ; AND REPEALING SECTION 39-31-204, MCA.~~"

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

~~NEW SECTION. Section 1. Public employee choice -- labor organization fee or charge to nonmember prohibited.~~ (1) A public employee may not be required to become or remain a member of a labor organization or obtain or retain public employment.

~~(2) A labor organization:~~

~~(a) may not collect any dues, fees, assessments, or other charges from a nonmember public employee; and~~

~~(b) shall allow, at any time, a member public employee to disassociate with the labor organization.~~

~~(3) A public employer may not collect any dues, fees, assessments, or other charges from a nonmember employee on behalf of a labor organization.~~

**Section 2.** Section 39-31-101, MCA, is amended to read:

**"39-31-101. Policy.** In order to promote public business by removing certain recognized sources of strife and unrest, ~~it is the policy of the state of Montana to encourage the practice and procedure of collective bargaining to arrive at friendly adjustment of all disputes between public employers and their employees~~ recognize that the relationship of a public collective bargaining unit and a public employee is a voluntary choice."

1           **Section 1.** Section 39-31-203, MCA, is amended to read:

2           "**39-31-203. ~~Deduction~~ Prohibition on deduction of dues from employee's pay.** ~~Upon written~~  
3 ~~authorization of any public employee within a bargaining unit, the~~ The public employer shall may not deduct  
4 from the pay of the public employee the monthly amount of dues as certified by the secretary of the exclusive  
5 representative and shall deliver the dues to the treasurer of the exclusive representative."

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7           **Section 2.** Section 39-31-401, MCA, is amended to read:

8           "**39-31-401. Unfair labor practices of public employer.** It is an unfair labor practice for a public  
9 employer to:

- 10           (1) interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in ~~section 41~~  
11 ~~and~~ 39-31-201;
- 12           (2) dominate, interfere, or assist in the formation or administration of any labor organization. However,  
13 subject to rules adopted by the board under 39-31-104, an employer is not prohibited from permitting  
14 employees to confer with the employer during working hours without loss of time or pay.
- 15           (3) discriminate in regard to hire or tenure of employment or any term or condition of employment in  
16 order to encourage or discourage membership in any labor organization; ~~However, nothing in this chapter or in~~  
17 ~~any other statute of this state precludes a public employer from making an agreement with an exclusive~~  
18 ~~representative to require, as a condition of employment, that an employee who is not or does not become a~~  
19 ~~union member must have an amount equal to the union initiation fee and monthly dues deducted from the~~  
20 ~~employee's wages in the same manner as checkoff of union dues.~~
- 21           (4) discharge or otherwise discriminate against an employee because the employee has signed or  
22 filed an affidavit, petition, or complaint or given any information or testimony under this chapter; or
- 23           (5) refuse to bargain collectively in good faith with an exclusive representative."

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25           **Section 5.** Section 39-31-402, MCA, is amended to read:

26           "~~**39-31-402. Unfair labor practices of labor organization.** It is an unfair labor practice for a labor~~  
27 ~~organization or its agents to:~~

28           (1) ~~restrain or coerce:~~

- 1           (a) ~~employees in the exercise of the right guaranteed in [section 1] or 39-31-201; or~~
- 2           (b) ~~a public employer in the selection of a representative for the purpose of collective bargaining or~~
- 3 ~~the adjustment of grievances;~~
- 4           (2) ~~refuse to bargain collectively in good faith with a public employer if it the labor organization has~~
- 5 ~~been designated as the exclusive representative of its member employees;~~
- 6           (3) ~~use agency shop fees for contributions to political candidates or parties at state or local levels."~~

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8           **NEW SECTION. Section 6 .Repealer.** The following section of the Montana Code Annotated is  
 9 repealed:

10 39-31-204. ~~Right of nonassociation with labor organization on religious grounds -- requirements and~~  
 11 ~~procedure for assertion of right.~~

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13           **NEW SECTION. Section 7. Codification instruction.** [Section 1] is intended to be codified as an  
 14 integral part of Title 39, chapter 31, part 1, and the provisions of Title 39, chapter 31, part 1, apply to [section 1].

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